

# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Saint Paul District

**FILE NUMBER:** MVP-200205331

**PROJECT MANAGER:** Dale J. Pfeiffle

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office? Y ☒ N ☐ Date: January 31, 2005  
At the project site? Y ☐ N ☐ Date:

**PROJECT LOCATION INFORMATION:**

State: Wisconsin

County: Waukesha

Center coordinates of site by latitude & longitude: 43.1028550088N, 88.2519080758W

Approximate size of site/property (including uplands) in acres: 55

Name of waterway or watershed: Upper Fox, Illinois, Wisconsin

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands			<b>X</b>						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			<b>X</b>		
Is or would be used as habitat by other migratory birds that cross state lines?			<b>X</b>		
Is or would be used as habitat for endangered species?				<b>X</b>	
Is used to irrigate crops sold in interstate commerce?				<b>X</b>	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary ☐ Or Approved: ☒

**FILE NUMBER: MVP- 2002-05331**

**ADDITIONAL INFORMATION SUPPORTING njd** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): **A wetland delineation was completed at the subject property in May and July 2002. The wetland delineation report, which found two isolated wetlands, at the site was submitted to the Corps for jurisdictional review and concurrence. The Corps 2002 review found that the subject wetlands lacked a surface water connection to water of the US and any connection to interstate commerce.**

**On January 27, 2005, an application for a permit to fill 0.053 acre of the subject wetlands was received. A review of the application materials indicates that the condition of the property has not been altered and that the subject wetlands remain isolated waters. The proposed development would impact a total of 0.053 acre of isolated wetlands. The remaining wetland would not be impacted.**